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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,429	12/03/2003	Mahesan Chelvayohan	2003-0061.01	5820

21972 7590 08/02/2006

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,429

Applicant(s)

CHELVAYOHAN, MAHESAN

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-12 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 11-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,888,617 (Okuzawa).

Regarding 11, Figs. 1-3 disclose a method for performing print media depletion detection in an imaging apparatus, comprising the steps of:

providing a mid-frame (including 86, 90a and 90b) having a slot (between 90a and 90b);

providing a sensor (including 92 and 94) locatable over the slot;

providing a print media support (including 62) for holding a supply of print media;

providing a print media detection device (78) having a sense surface (79b); and

detecting with the sensor (including 92 and 94) one of a presence and an absence of the sense surface (79b) in the slot of the mid-frame (including 86, 90a and 90b) as a determination of the depletion of the supply of print media at the print media support (including 62).

Regarding claim 12, Fig. 3 shows that when the print media is present at the print media support (including 62), the sense surface (79b) is not positioned in the slot of the mid-frame (including 86, 90a and 90b), and wherein if the print media is not present at the print media support (including 62), the sense surface (79b) is positioned in the slot of the mid-frame (including 86, 90a and 90b) for detection by the sensor (including 92 and 94).

Regarding claim 16, column 8, lines 14-18 disclose the step of displaying at a display device (control panel) an indication of an absence of the print media at the print media support (including 62) when the sensor (including 92 and 94) senses the presence of the sense surface (79b) in the slot of the mid-frame (including 86, 90a and 90b).

Regarding claim 17, Fig. 1 shows that the print media support (including 62) is a front-load print media tray.

Regarding claim 18, column 6, lines 7-10 disclose that the sensor (including 92 and 94) is an optical sensor.

Response to Arguments

2. Applicant's arguments filed 05/30/2006 have been fully considered but they are not persuasive. Applicant argues on page 9 of the amendment dated 5/30/06

Thus, rather than providing a mid-frame having a slot, and detecting with the sensor one of a presence and an absence of the sense surface in the slot of the mid-frame, as recited in claim 11, Okuzawa discloses that a pair of support plates 90a, 90b, which defines a slit 88 therebetween, are mounted on housing 12, and that when end 79b of the arm 78 pass

between the support plates, the light beam is not detected by light detector 92. Accordingly, the Okuzawa slit 88 is not a slot in a mid-frame, but rather, are plates that are mounted onto the housing 12.

The term "mid-frame" is merely an identifier for a part. It is the examiner's position that elements 86, 90a and 90b of Okuzawa act as a frame for supporting a sensor (including 92 and 94) on an image recording device (10). Also, Fig. 1 of Okuzawa shows that this frame (including 86, 90a and 90b) is located between a bottom surface and a top surface of the image recording device (10). In other words, this frame is located in a middle portion of the image recording device (10). As such, this frame can be considered a "mid-frame". Finally, it is the examiner's position that the space between elements 90a and 90b can be considered a slot in the mid-frame.

Allowable Subject Matter

3. Claims 1-10 are allowed. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/25/2006



PATRICK MACKEY
PRIMARY EXAMINER